

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:09-cr-00013-MR-DLH-8**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) **O R D E R**
)
)
KENNETH LEE FOSTER,)
)
Defendant.)
)

THIS MATTER is before the Court on the Defendant’s “Motion for Leave to File for a Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2) Based on Amendment 750 to U.S.S.G. § 1B1.10” [Doc. 878].

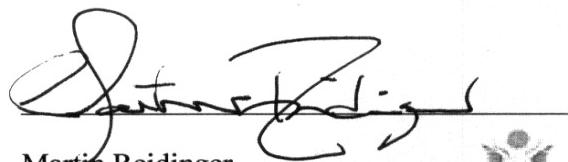
By the present motion, the Defendant moves for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 750. [Doc. 878]. The Defendant’s motion must be denied. Because the Defendant’s guideline range was determined by his status as a career offender, Amendment 750 provides no change in the guideline calculations in this case. [See Doc. 338 at 9; Doc. 666 at 1].

IT IS, THEREFORE, ORDERED that the Defendant’s “Motion for Leave to File for a Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2)

Based on Amendment 750 to U.S.S.G. § 1B1.10" [Doc. 878] is **DENIED**.

IT IS SO ORDERED.

Signed: August 18, 2017



Martin Reidinger
United States District Judge

